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Security Council

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Letter dated 16 June 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the President of the Security Council

Following the letter of the Permanent Representative of the Republic of Croatia to the United Nations (S/2000/289) addressed to the President of the Security Council on 5 April 2000, I have been instructed by my Government to advise of its positions regarding the disputed issue of Prevlaka.

By Article 4 of the agreement on normalization of relations between the Federal Republic of Yugoslavia and the Republic of Croatia of 26 August 1996, the contracting parties undertook to respect, pending a mutual agreement on Prevlaka, the existing regime of security established through United Nations monitoring. The two sides accepted the rule of *uti possidetis*. However, there emerged certain differences with respect to the application of the rule, manifested in a different perception of the two sides of the extension of the border in the disputed area of Prevlaka. The Croatian side invokes geographic maps as the sole piece of evidence. the Yugoslav side invokes federal laws of the federal State of the Socialist Federal Republic of Yugoslavia and republican laws which delineated the exercise of authority in the disputed area.

The contentions of the Permanent Representative of Croatia in his letter that Croatian fishermen "have always fished in Boka Kotorska Bay", that "during the time of the former Socialist Federal Republic of Yugoslavia ... a part of Boka Kotorska Bay was under jurisdiction of the Port Authority of Dubrovnik, Cavtat Port Office" and that "landowners have cultivated their land" at Prevlaka are simply not true. Croatian fishermen did not fish in Boka Kotorska Bay, and if any did they did so only with the approval of the competent authorities of Montenegro and under the control of those authorities. The Port Authority of Dubrovnik, Cavtat Port Office, never exercised jurisdiction over any part of Boka Kotorska Bay or landowner-cultivated land in the disputed area, the Blue Zone, as military facilities have been there since the middle of the nineteenth century and there is no arable land on the Prevlaka peninsula.

In the letter of 8 June 2000 addressed to Dr. Hrvoje Kacic, head of the Delegation for a Lasting Solution of the Security Issue of Prevlaka, from Dr. Rodoljub Etinski, head of the Delegation of the Federal Republic of Yugoslavia on Negotiations with the Delegation of the Republic of Croatia on the Establishment of the Extension of the State Border between the Federal Republic of Yugoslavia and the Republic of Croatia in Sector South and the Solution of the Disputed Issue of

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Prevlaka, which is enclosed herewith (see annex), Dr. Etinski proposed that the negotiations be resumed with the following agenda: the manner of establishing the border considering the application of the rule of *uti possidetis*.

In bringing the facts relative to the disputed issue of Prevlaka to your attention, I take the opportunity to advise also of some flagrant and long-lasting violations of the security regime in the Blue Zone by the Republic of Croatia. These violations also run counter to good faith in negotiations and depart from the principle that parties in dispute should refrain from acts that deepen and expand the dispute.

Presence in the Blue Zone of persons in uniforms and civilian clothes and movement of vehicles of the Ministry of the Interior and the Army of the Republic of Croatia have been noticed on the route Vitaljina — bunkers at Glavica and Tankom checkpoint — Molunat and vice versa (84 civilian and 106 military and police vehicles in January; 190 civilian and 125 military and police vehicles in February; 120 civilian and 102 military and police vehicles in March; and 90 civilian and 84 military and police vehicles in April; 72 of these vehicles belong to the Army of the Republic of Croatia). Croatian Telecommunications has recently installed a public telephone booth at the Cape Kobila checkpoint. The Yugoslav side demands that this booth be removed and that the Cape Kobila border crossing be closed down until a solution of the disputed issue of Prevlaka is found by the two sides through bilateral negotiations. The Republic of Croatia is expected to refrain from such acts in the future and to restore the situation that had been agreed in 1992 by the arrival of the United Nations Mission of Observers in Prevlaka (UNMOP).

The Federal Republic of Yugoslavia expects UNMOP to abide by its mandate in an unchanged form as cited in a number of reports of the Secretary-General in which it is noted that the zone under the control of the United Nations (the so-called Blue Zone) is under exclusive United Nations jurisdiction pending an agreement by the two sides on the area. In its most recent resolution 1285 (2000) of 13 January 2000, the Security Council calls for a stop to the violations of the regime of demilitarization in the zone under the protection of the United Nations, while in his reports the Secretary-General describes the presence of civilians in the Blue Zone as a violation of the agreed security regime. Accordingly, the Federal Republic of Yugoslavia calls for a strict implementation of the decisions and positions of the Security Council and the Secretary-General of the United Nations.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Vladislav **Jovanovic**
Chargé d'affaires a.i.

Annex to the letter dated 16 June 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the President of the Security Council

Federal Republic of Yugoslavia

Federal Government

Delegation of the Federal Republic of Yugoslavia on Negotiations with the Delegation of the Republic of Croatia on the Establishment of the Extension of the State Border between the Federal Republic of Yugoslavia and the Republic of Croatia in Sector South and the Solution of the Disputed Issue of Prevlaka

No. 13-1/2000

Belgrade, 8 June 2000

Government of the Republic of Croatia

State Commission for Border

Prof. Dr. Hrvoje Kacic, President of the Delegation for a Lasting Solution of the Security Issue of Prevlaka

Esteemed Dr. Kacic,

I thank you for your letter of 10 April 2000. It is with approval that we received your confirmation that the next meeting of the delegations would be held in the Republic of Croatia and that we should agree on the date of the meeting through diplomatic channels.

As to your call that our side do not question the validity of the signatures of the then President of the Federal Government, Mr. Milan Panic, and the then Head of the General Staff of the Army of Yugoslavia, General Zivota Panic, on a copy of the map from 1992, in order to avoid an unnecessary misunderstanding, I reiterate the part from my last letter which reads: "I propose ... that we continue negotiations [on the fifth meeting] according to an agenda to be mutually agreed and which can include the presentation of our positions on the arguments on which you base your perception of the extension of the State border, ergo, including also the question of the map of 1992, with the signatures of Milan Panic, the then President of the Federal Government, and of General Zivota Panic, the then Head of the General Staff of the Army of Yugoslavia, as well as the question of the authenticity of those signatures and including also the presentation of your positions on the arguments on which the Yugoslav side bases its perception on the extension of the State border in the area of Prevlaka." (S/2000/268)

As to your remark that the representatives of Montenegro were left out of the second, third and fourth meeting and your request that such a situation be not repeated, I would like to inform you that on the question of negotiations between the Federal Republic of Yugoslavia and the Republic of Croatia and under the Constitution of the Federal Republic of Yugoslavia, the Federal Government conducts foreign policy, which certainly includes the determination of the composition of the delegation for the negotiations, and accordingly the Yugoslav delegation will possess the necessary full powers of the Federal Government.

As an agenda for the forthcoming meeting, I propose:

1. Manner of the establishment of the border considering the application of the rule *uti possidetis*;

2. Miscellaneous.

Please accept, Mr. Kacic, the assurances of my highest consideration.

(*Signed*) Dr. Rodoljub **Etinski**
Ambassador
President of Delegation